

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas and Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.

Investigation 12-10-013  
(Filed October 25, 2012)

And Related Matters.

Application 13-01-016  
Application 13-03-005  
Application 13-03-013  
Application 13-03-014

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in these proceedings to September 27, 2015.

**1. Background**

Pub. Util. Code § 1701.5(a) provides that ratesetting cases must be resolved within 18 months of the date the scoping memo is issued unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 18-month deadline for a period not exceeding 60 days. In these proceedings, the statutory deadline is July 29, 2015.

On October 25, 2012, the Commission initiated this Order Instituting an Investigation (OII) to consolidate and consider issues raised by the extended

outages of Units 2 and 3 at the San Onofre Nuclear Generating Station (SONGS). When the Commission opened this investigation, it anticipated that other applications by Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) would be consolidated with this OIL. On April 19, 2013, the assigned Administrative Law Judge (ALJ) issued a ruling consolidating Application (A.) 13-03-005, A.13-03-013, A.13-03-014, and A.13-01-016, with this OIL.

A series of Prehearing Conferences, Public Participation Hearings, Evidentiary Hearings and Oral Arguments have been held in the course of this proceeding. The Commission has issued two decisions. Decision (D.) 13-06-013 authorized the Director of the Energy Division to retain one or more technical consultants to advise the Commission, its staff, and the assigned ALJ in this proceeding. D.14-11-040 approved a settlement agreement between SCE and SDG&E and four other settling parties which provided resolution of rate recovery issues related to the premature shutdown of SONGS, following a steam generator tube leak on January 31, 2012. D.14-11-040 resolved all of the ratesetting issues of these proceedings contemplated in previous scoping memos, in compliance with Pub. Util. Code § 1701.5(a). However, D.14-11-040 left the proceedings open for consideration and potential prosecution of possible Rule 1.1 violations.

The Commission has issued decisions extending the statutory deadline and the latest D.15-05-030 extended the statutory deadline for these proceedings to July 29, 2015. On February 9, 2015, SCE filed a late notice of an *ex parte* communication relating to a meeting that occurred in March 2013. On February 10, 2015, Alliance for Nuclear Responsibility filed a motion relating to

that late-filed *ex parte* notice, and responses to the motion were filed in late February 2015.

In April 2015, the ALJ requested and received information from SCE regarding the March 2013 communication. The ALJ recently ordered SCE to provide supplemental information to be served by July 3, 2015, in order to complete deliberation of the pending motion.

Therefore, a 60-day extension of the statutory deadline until September 27, 2015, is appropriate and may allow sufficient time for the Commission to consider whether sanctions are warranted.

## **2. Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

## **3. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Melanie M. Darling is the assigned ALJ in these proceedings.

## **Findings of Fact**

1. The statutory deadline for resolving the issues identified in prior scoping memos in these proceedings was January 30, 2015. The Commission has issued decisions extending the statutory deadline and the latest D.15-05-030 extended the statutory deadline for these proceedings to July 29, 2015.

2. D.14-11-040 resolved the ratesetting issues identified in prior scoping memos but left the proceedings open to consider additional issues.

3. Additional filings were made in these proceedings in February, April, May, and June 2015.

4. A final decision is expected by September 27, 2015.

5. A 60-day extension of the statutory deadline is necessary to provide sufficient time for review and to issue a final decision.

**Conclusion of Law**

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline should be extended to from July 29, 2015 to September 27, 2015.

**IT IS ORDERED** that the current statutory deadline in these proceedings, July 29, 2015, is extended until September 27, 2015.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.